

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**FILED**  
08 MAR -3 AM 9:44

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**Roberto CHAVEZ-Mora**

Defendant.

Magistrate Case No. **'08 MJ 0628**

COMPLAINT FOR VIOLATION OF

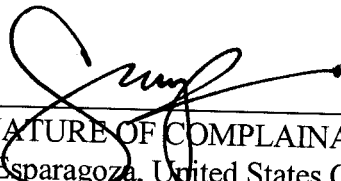
Title 8, U.S.C., Section 1326  
Attempted Entry After  
Deportation (Felony)

DEPUTY

The undersigned complainant being duly sworn states:

On or about March 1, 2008, within the Southern District of California, defendant **Roberto CHAVEZ-Mora**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the San Ysidro Port of Entry, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 3rd DAY OF  
**MARCH, 2008.**

  
UNITED STATES MAGISTRATE JUDGE  
**CATHY ANN BENCIVENGO**  
**U.S. MAGISTRATE JUDGE**

GJM

**PROBABLE CAUSE STATEMENT**

On March 1, 2008, at approximately 2325 hours, **Roberto CHAVEZ-Mora (Defendant)**, attempted to enter the United States from Mexico at the San Ysidro, California Port of Entry via the pedestrian primary lanes. Defendant stated to a U.S. Customs and Border Protection (CBP) Officer that he is a United States citizen. Defendant presented a valid California identification card to the CBP Officer. Defendant stated he was going to Bakersfield, California. The CBP Officer received a computer generated referral and Defendant was subsequently escorted to secondary for further inspection

During secondary inspection, Defendant was queried by fingerprint and photograph through the Automated Biometric Identification System (IDENT) and the Integrated Automated Fingerprint Identification System (IAFIS) which confirmed Defendant's identity and criminal history.

Further queries utilizing the Central Index System (CIS) and the Deportable Alien Control System (DACS) confirmed Defendant to be a citizen of Mexico with no legal documents or entitlements to enter the United States. DACS further revealed Defendant was order deported and removed from the United States by an Immigration Judge on November 30, 1998. CBP records indicate no evidence that Defendant has applied for, nor received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security to legally re-enter the United States.